

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claim 38.
2. Cancel claim 29-36 and 39-40 without prejudice or disclaimer.
3. Apprise the Examiner of the filing of a Terminal Disclaimer to overcome the rejection of claims 29-34, 36 and 38-50 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 36-48 of co-pending U.S. Patent application 10/815,946.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 38-50 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent 6,155,374 to Uchida in view of U.S. Publication 2001/0052340 to Sonnleitner. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claim 38 has been amended to include therein limitations of (now cancelled) dependent claims 39 and 40, and other features amply supported by the specification. For example, independent claim 38 now further requires that

the intake path comprise an intake manifold and a carburetor;
the carburetor be arranged beneath the windshield and above a top portion of a cylinder head in an engine compartment;
an oil strainer be provided in the oil pan;
that the oil strainer be arranged vertically beneath the carburetor and adjacent to the track housing.

The feature wherein the carburetor is arranged above top portion of a cylinder head is support by the specification page 18, lines 6 to 19.

The feature of an oil strainer being provided in the oil pan and arranged adjacent to the track housing is supported by the specification page 19, lines 3-12. Moreover, Fig. 3 readily shows the claimed positional relationship between the carburetor and the oil strainer.

The prior art references do not provide a basis for denying patentability of Applicants' claims. U.S. Publication 2001/0052340 to Sonnleitner basically concerns a personal watercraft. Even though Sonnleitner briefly mentions a snowmobile, there is no concrete disclosure of layout, structure, etc. regarding a snowmobile whatsoever.

Even if the engine of Sonnleitner were simply mounted to the snowmobile of Uchida, the structure of independent claim 38 could not and would not be achieved. For example, neither applied reference discloses teaches or suggests that a carburetor be arranged above a top portion of the cylinder head. Independent claim 38 requires that a carburetor be arranged beneath the windshield and above a top portion of a cylinder head while the oil strainer is arranged vertically beneath the carburetor and adjacent to the track housing. This arrangement is not taught or suggested by the applied references.

C. TERMINAL DISCLAIMER

Applicants submit on same day herewith a Terminal Disclaimer to overcome the rejection of claims 29-34, 36 and 38-50 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 36-48 of co-pending U.S. Patent application 10/815,946.

D. INFORMATION DISCLOSURE STATEMENT (IDS)

Applicants filed an Information Disclosure Statement (IDS) on January 18, 2007, the very day of mailing of the last office action. It is respectfully requested that the Examiner consider and cite the references submit with the January 18, 2007 Information Disclosure Statement (IDS).

E. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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